

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GARY KUZMIN

vs.

THERMAFLO, INC. AND
COMAIR ROTRON, INC.

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CASE NO. 2:07-CV-553

MEMORANDUM ORDER

The above-titled and numbered civil action was heretofore referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge, which contains his recommendation for the disposition of defendants' motion (Dkt. No. 7) has been presented for consideration. No objections were filed to the Report and Recommendation. The court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court hereby adopts the report of the United States Magistrate Judge as the conclusions of this court. Accordingly, to the extent that the defendants seek to dismiss the plaintiff's case because of improper venue and/or lack of personal jurisdiction, the court denies the motion as moot. To the extent that the defendants seek to have the court compel arbitration and to issue a stay pending resolution of such arbitration, the court grants the motion. The parties are to promptly notify the court upon resolution of the arbitration.

SIGNED this 27th day of March, 2009.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE